

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Application Number: 09/991,386  
Confirmation Number: 5418  
Filing Date: November 13, 2001  
Applicants: Philip J. CHRISTIAN and Paul F. FEE  
Title: ALLOCATING INTERNET PROTOCOL (IP) ADDRESSES TO  
NODES IN COMMUNICATIONS NETWORKS WHICH USE  
INTEGRATED IS-IS  
Examiner: Dohm CHANKONG  
Group Art Unit: 2452  
Attorney Docket No: 22493-129U (148071DUS01U)

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REPLY BRIEF

Sir:

This Reply Brief is submitted in response to the Examiner's Answer dated September 10, 2009 and Applicants' Supplemental Appeal Brief filed March 5, 2009, wherein Applicants appeal from the Examiner's rejection of Claims 1-16, 19 and 20.

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**I. Status of Claims**

Claims 1-16, 19, and 20 are pending in this Application. Claims 17 and 18 were previously canceled. Claims 1-16, 19 and 20, and have been finally rejected and it is from the final rejection of Claims 1-20 that this Appeal is taken.

## **II. Grounds of Rejection to be Reviewed on Appeal**

Whether Claims 1-16, 19 and 20 are unpatentable under 35 U.S.C. §103(a) based on U.S. Patent No. 5,917,820 to *Rekhter* (hereinafter “*Rekhter*”) and U.S. Patent No. 6,073,178 to *Wong et al.* (hereinafter “*Wong*”).

### III. Argument

A. The Examiner Has Failed to Establish That Either Reference, Whether Taken Alone or in Combination, Discloses the Step of Providing a Node With a Unique IP Address

Claims 1-16, 19 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Rekhter* in view of *Wong*.

On Pages 8 and 10 of the Examiner's Answer, the Examiner admits that *Rekhter* fails to allocate IP addresses and fails to disclose the claimed element of "provid[ing] the first node with a unique IP address at which the first node may be contacted". On Page 9, the Examiner turns to *Wong* to provide this element (*Wong* clearly states "IP addresses which may be allocated to provide the first node with a unique IP address at which the first node may be contacted"). However, *Wong* also fails to disclose this element, because there is no disclosure in *Wong* describing the step of providing a node with a *unique IP address*.

*Wong* describes a network of client systems including a router to monitor the assignment of IP *addresses* to the client systems by a DHCP server. As each IP address is assigned, the router associates the assigned IP address with a trusted identifier which identifies the client system. Subsequently, if the router received a packet directed at the assigned IP address, the router forwards the packet to the client system having a trusted identifier associated with the destination address of the IP packet. Additionally, if the router receives a packet from a client system, it uses the trusted identifier of the client system to find IP addresses associated with the client system. If the source address of the IP packet is not included in the IP addresses associated with the client system, the packet is discarded.

The Examiner states that "*Wong* does state allocating a unique IP address to a node because [*Wong*] states allocating an IP address with a trusted identifier (also referred to as a

‘learned address’) to a node” (Examiner’s Answer, Page 9). However, the use of assigning a trusted identifier cannot equate to the step of allocating a *unique* IP address to a node because it is possible, in *Wong*, for a client system to have more than one IP address associated with the client system through the client’s assigned trusted identifier. *Wong* states that “. . . if the router receives a packet from a client system, it uses the trusted identifier of the client system to find ***IP addresses*** associated with the client system” (see Abstract, Claim 2 of *Wong*) (emphasis added). Thus, because *Wong* allocates a trusted identifier to a plurality of IP addresses, *Wong* does not disclose this claimed feature because it does not disclose allocating a *unique IP address* to a node.

Further, *Wong* does not disclose the allocation of unique IP address *to a node* but instead relates to merely associating trusted identifiers with IP addresses allocated to the client’s system. This does *not* equate with the claimed feature of “provid[ing] a *first node* with a unique IP address at which the *first node* may be contacted”. Thus, neither *Rekhter* nor *Wong* disclose the claimed feature of “accessing information about one or more potentially available IP addresses which may be allocated to provide the first node with a unique IP address at which the first node may be contacted”.

B. The Examiner Misinterprets Applicants’ Argument Regarding Rekhter’s Use of a Tag That Includes Existing Addresses and Improperly Implies That Applicants’ Argument is Somehow an Admission That the Information Stored in Rekhter’s Tag Database is Information About the IP Addresses

On Page 8 of the Examiner’s Answer, the Examiner states that Applicants’ argument, on Page 5 of its Appeal Brief, namely that “the tag values are based on parts of existing addresses which have already been allocated to those routers” is somehow an admission “that the information stored in the tag database is information about the IP addresses of the system”.

Applicants disagree with this assertion. Applicants are arguing that *Rekhter* discloses a tag with values based on parts of *existing addresses* that *have already been allocated* (see *Rekhter*, col. 9 lines 10-14, col. 10 lines 35-37 and the tag database of Fig. 5). Thus, the tags in *Rekhter* can only be used *after* a node has been allocated a network layer address and a MAC address and are thus not “available IP addresses”, which is what is claimed.

C. The Examiner’s Position That Applicants’ Arguments Should Not be Considered Because Certain Elements are Not Recited in Applicants’ Claims Ignores the Fact That the Elements That are Cited in Applicants’ Claims are Not Present in Either *Rekhter* or *Wong*

Claim 1 recites a method of “automatically allocating a unique IP address to a first node in an IS-ISA communications network”. It positively recites the step of “accessing information about one or more potentially available IP addresses which may be allocated to provide the first node with a unique IP address at which the first node may be contacted”. On pages 10 and 11 of the Examiner’s Answer, the Examiner states that because “there is actually no allocation that takes place in the claim, then, “any of appellant’s arguments that related to the allocating of an IP address as presented in the claims are not persuasive, as such a limitation is not present in claim 1 and like independent claims”. Applicants disagree.

Claim 1 positively states that the IP addresses are “potentially available”, meaning that there must be a possibility that they are available, where the IP addresses “may be allocated to provide the first node with a unique IP address”, meaning that they are capable of being allocated in order to provide the first node with a unique IP address. Neither of the cited references, either alone or in combination, discloses *any possibly* available IP addresses (and thus no “potentially available” addresses) *that are capable of being allocated* (and thus “may be allocated”) to provide a node with a unique IP address. Thus, it is Applicants’ contention that the features that

are positively recited in Claim 1 are not disclosed or suggested by *Rekhter* or *Wong*, either alone or in combination, and that the Examiner's belief that Applicants' argument is based on features not recited in the claims, is unfounded.

Applicants remind the Board that nowhere in *Wong* is there any discussion of accessing information about one or more potentially available IP addresses which may be allocated to provide the first node with a unique IP address at which the first node may be contacted. It is clear from the disclosure of *Wong*, that a client system can have more than one IP address associated with it through its trusted identifier. The Examiner has already admitted that *Rekhter* cannot allocate IP addresses and fails to disclose a unique IP address at which a node may be contacted. Therefore, since the combination of *Rekhter* and *Wong* does not disclose, teach or suggest each and every element of the claimed invention as recited in independent Claim 1, Applicants believe that this claim is allowable and request that these rejections be withdrawn.

In addition, independent Claims 12, 15, 19 and 20 include the features of Claim 1 discussed above, and are therefore also believed to be allowable. Claims 2-11, 13-14, and 16 depend from either independent Claim 1, 12, or 15 and are believed patentable at least by virtue of this dependency and in light of the discussion above.

#### **IV. Conclusion**

For the reasons provided above as well as those already provided in the record, the claim rejections are believed to be improper and a result of clear error by the Examiner. Accordingly, pending Claims 1-16, 19, and 20 are believed to be in condition for allowance, and a reversal of the Examiner's rejections is respectfully requested.



The Commissioner is hereby authorized to credit overpayments or charge payment of any additional fees associated with this communication to Deposit Account No: 141315.

Respectfully submitted,

Date: November 10, 2009

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